



HCBS Transition
Stakeholder Advisory Group
February 29, 2016 Meeting

Meeting Questions and Answers

Q: On page 50 of Maine's State Transition Plan the State indicated that implementation of the new HCBS rules would follow implementation of the SIS. Is that still going to be the case?

A: SIS is still in rule-making and we cannot comment publicly at this time.

Q: Workforce shortages are an issue in Maine. Can you address this in the context of HCBS?

A: Workforce capacity, like housing, is a challenge for Maine as it is for many states.

Q: Does the provider decide whether they are compliant or not compliant?

A: Yes, the provider makes an assessment of compliance after a thorough review of policies and practices. The information submitted by providers will be evaluated and verified by the Department's review and by the participant experience information.

Q: How can the accuracy of the provider self-assessments be assured? Some providers think they are doing a great job, but in reality they are not.

A: Providers will be required to submit documentation and narrative evidence of compliance and that evidence will be evaluated thoroughly. In addition, survey responses will be compared with information from participants as part of the verification process. If there are inconsistencies, that may trigger an on-site survey by the Department.

Q: Can the NCI surveys be used for HCBS purposes?

A: The NCI surveys that have been completed cannot be used because they are not linked to specific providers, which is necessary for HCBS compliance verification purposes.

Q: Can the participant experience surveys be obtained in advance of the provider self-assessments so that the information can help identify potential provider issues?

A: There will not be enough time to obtain those surveys before the July 31, 2016 deadline for having the provider self-assessments completed.

Q: How will Maine take into account that some participants have dementia?

A: We will have to carefully craft participant survey questions that take this into account as much as possible.

Q: How will Maine survey participants who are non-verbal?

A: Maine will have to provide interpreters as necessary to allow participants to respond meaningfully to the surveys. This will add to the cost, but it must be done.

Q: What happens when a guardian has a different idea than the participant about what the participant should be doing?

A: This presents an opportunity for education and mediation of the potential differences of opinion between the individual and the guardian, and review of the scope – and limits – of decision-making authority under state law or under the terms of legal guardianship.

Q: Should providers be using CMS' exploratory questions as a type of self-assessment?

A: Providers can certainly use these questions as a means of assessing current compliance and beginning the process of self-improvement. Providers must still respond to the self-assessment survey sent out by the Department to all HCBS providers.

Q: What happens when one participant moves out, which starts the 120-day time for finding a replacement member. If no replacement is found within that timeframe, does the remaining person have to move out?

A: Under the HCBS rules, there is no right to choice of "housemate", only choice of roommate. If the individual does not share a room with another person, the rule may not apply.

Q: Do we have to ask an 85 year old whether s/he want to get employment?

A: The NCI-AD survey does ask this question of all older adults. Some will want to be engaged in employment or volunteer opportunities.

Q: What does it mean to have access to food 24 hours/day? Is a soda and snack machine sufficient?

A: This is a question that relates to the standards for compliance. That standard will have to be worked out as we move through the transition process.

Q: How do you propose to get the most accurate, candid responses from participants?

A: Maine expects to have objective, impartial persons conducting the participant experience surveys, which will likely be done in-person.

Q: How do you get participants to consider all that may be possible for them when what they have experienced has been very limited?

A: This is an ongoing challenge for many individuals. Hopefully the barriers to opportunity will be broken down over time with meaningful system changes and overall culture change.

Q: How will providers obtain interpretive guidance from the states for compliance with the federal rules?

A: Maine will be looking at all sources of information in order to create compliance standards that are meaningful and workable.